IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UN	ITED S	STAT	res c	F AMER	ICA,)			
Plaintiff,) 8:16CR250)			
	VS.) DETENTION ORDER			
BE	AU RE	DO۱	٧L,						
				Defenda	ınt.)			
A.	After o	Order For Detention After conducting a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on August 24, 2016, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).							
B.	Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.								
C.	which	court was (1) X	s find conta Natu (a (b (c	ings are bained in the re and cire of the criviolation sentender off the off	ne Pretrial Serreumstances of ime: Attempted of 18 U.S.C ce of ten years fense is a crime fense involves	vidence which was presented in court and that vices Report, and includes the following: of the offense charged: d strangulation in Indian Country (Count I) in . §§ 113(a)(8) and 1153 carries a maximum is imprisonment. e of violence. a narcotic drug. a large amount of controlled substances, to wit:			
	<u>X</u>	(2) (3)	The (a	history ar Genera X X X X X X X X X X X X X X X X X X	nd characterist al Factors: The defenda may affect w The defenda The defenda The defenda The defenda Past conduct The defenda The defenda The defenda The defenda The defenda Court procee	against the defendant is high. ics of the defendant including: Int appears to have a mental condition which hether the defendant will appear. Int has no family ties in the area. Int has had no steady employment. Int has no substantial financial resources. Int is not a long time resident of the community. Int does not have any residential ties. It of the defendant: Int has a history relating to drug abuse. Int has a history relating to alcohol abuse. Int has a significant prior criminal record. Int has a prior record of failure to appear at dings. Interest, the defendant was on:			

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		(c)	Probation Parole Supervised Release Other Factors: The defendant is an illegal alien and is subject to deportation. The defendant is a legal alien and will be subject to deportation if convicted. The Bureau of Immigration and Custom Enforcement (BICE) has placed a detainer with the U.S. Marshal. Other:
X	(4)		ature and seriousness of the danger posed by the defendant's release follows: the nature of the charges in the Indictment.
Χ	(5)	Rebut	table Presumptions
	_X	on the which	rmining that the defendant should be detained, the Court also relied following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e) the Court finds the defendant has not rebutted: That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of any other person and the community because the Court finds that the crime involves:
		(b)	 X (1) A crime of violence; or (2) An offense for which the maximum penalty is life imprisonment or death; or (3) A controlled substance violation which has a maximum penalty of 10 years or more; or (4) A felony after the defendant had been convicted of two or more prior offenses described in (1) through (3) above, and the defendant has a prior conviction for one of the crimes mentioned in (1) through (3) above which is less than five years old and which was committed while the defendant was on pretrial release. That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community because the Court finds that there is probable cause to believe: (1) That the defendant has committed a controlled substance violation which has a maximum penalty of 10
			years or more. (2) That the defendant has committed an offense under 18 U.S.C. § 924(c) (uses or carries a firearm during and in relation to any crime of violence, including a crime of violence, which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device).

D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from

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- persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: August 24, 2016.

BY THE COURT:

s/ Thomas D. Thalken United States Magistrate Judge